

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

Claims 1-9 are presently active in this application.

The specification has been amended at pages 3-5 to remove all mention of claim numbers as suggested in the outstanding Action. The abstract has been amended to remove reference numerals. Clearly, no new matter has been introduced by these amendments.

The outstanding Action presents an objection to the Information Disclosure Statement (IDS) filed April 27, 2005, a suggestion that the above noted claim numbers used in the specification be removed, and a rejection of Claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Honkura et al (U.S. Patent No. 6,831,457, Honkura).

The objection to the IDS filed April 27, 2005, is traversed because 37 CFR § 1.98 indicates that a "list" of cited material is all that is required, not citation on a Form PTO 1449 as improperly asserted in the outstanding Action. Accordingly, withdrawal of the objection and proper consideration of the IDS filed April 27, 2005, is respectfully requested.

As noted above, the specification has been amended at pages 3-5 to remove all mention of claim numbers as suggested in the outstanding Action. Accordingly, withdrawal of this objection is also respectfully requested.

Turning to the rejection of Claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Honkura, this rejection is traversed because Honkura cannot be considered to be prior art under 35 U.S.C. § 102(e). In this regard, 35 U.S.C. § 102(e) clearly states that:

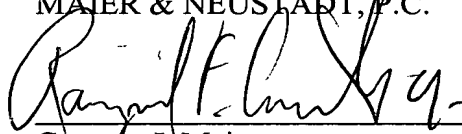
(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

As should be clear from comparing the four inventors listed on U.S. Patent No. 6,831,457 and the four inventors of this application, U.S. Patent 6,831,457 cannot be used under 35 U.S.C. § 102(e) as it is not to "another." Accordingly, withdrawal of this rejection is respectfully submitted to be in order.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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